



City of Lowell, Planning Board Site Plan Review

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Application Procedure and Requirements

July 2004

1 The City Master Plan and Zoning Ordinance

1.1 Master Plan

In 2003, the Lowell Planning Board and Lowell City Council both unanimously approved the City's new Comprehensive Master Plan. The plan addresses a shared vision for Lowell and establishes a framework for development that addresses the visions goals and action steps with widespread support within the community. The development goals work to protect the character of Lowell and its neighborhoods while allowing the city to continue to provide opportunities for people of various ages and income levels to live and work in the City and enjoy its many amenities.

The Division of Planning and Development (DPD) hopes that developers of land within the city will take the time to get to know this master plan and the visions and goals that the city and its residents developed through the planning process.

Many new developments in the past few years have not fit the context of the surrounding neighborhood. The challenge to a developer is to create a development that meets the modern needs of clients or purchasers, meets the requirements of the Lowell Zoning Ordinance and also fits the character and meets the needs of the surrounding neighborhood.

1.2 Zoning Ordinance

The Lowell Zoning Ordinance, developed in 2003, provided new thresholds for site plan review. The Planning Board is interested in promoting site plans that protect and promote the health, safety, convenience, and general welfare of the inhabitants of the city. The review process ensures that developers abide by acceptable site planning practices and ensure compliance with the Zoning Ordinance, the Planning Board regulations and good zoning practices. Consistent with the goals of the Mater Plan, the Planning Board seeks to ensure that projects in the City of Lowell respect the character of the neighborhood, provide a positive impact on neighborhood quality-of-life, and add to the overall well-being of the city.

1.2.1 Projects Requiring a Public Hearing for Site Plan Review

Site plan approval is required of any project on a single lot or on contiguous lots in common ownership that meet the any of the following four threshold guidelines:

1. Construction, exterior alteration or expansion of a nonresidential structure involving more than 10,000 square feet of gross floor area.
2. Construction, exterior alteration, conversion, or expansion of any multifamily residential structure with more than three dwelling units.
3. Construction or expansion of any parking lot with more than fourteen spaces or 4,000 square feet of impervious surface.

4. Any commercial construction involving the installation or construction of self-service gasoline pumps or drive-through or drive-up customer service on the premises.

Any development involving the renovation of an existing building subject to the review and approval of the Lowell Historic Board, where all substantial work is confined within the footprint of the existing building, is exempt from site plan review.

1.2.2 Projects Not Requiring a Public Hearing for Site Plan Review

While only projects within this threshold require a site plan approval Public Hearing under the Zoning Code, all developments can be improved by following the site plan guidelines. The review process is designed for large and small projects, so all developers are urged to consider the guidelines when developing sites in Lowell.

1.2.3 Projects Requiring a Special Permit hearing with the Planning Board

While most special permits are granted by the ZBA, there are six that are granted by the Planning Board. Often, these are special permits that would be associated with projects that otherwise require subdivision or site plan review before the Planning Board. Those six special permits are for:

- Lots crossing city limits (Section 3.3.1)
- Odd lot widths (Section 5.1.10)
- Reduced open space (Section 5.3.3)
- Modification of refuse container requirements (Section 6.6)
- Steep driveway grades (Section 6.7.3)

Applicants requesting a special permit in conjunction with site plan review may file for both items together, and the Planning Board will conduct one public hearing to review both issues.

1.2.4 Projects Requiring a Special Permit or Variance hearing with the ZBA

Projects that seek a variance or special permit from the Zoning Board of Appeals will require a public hearing before the ZBA. These projects have different submittal requirements and decision criteria than projects requiring site plan approval. But, these projects can also benefit from following the site design guidelines that are offered in this package.

1.3 *DPD Staff Assistance*

The staff of the Division of Planning and Development is available to assist developers with any site-plan concerns for projects regardless of their requirement for a public hearing through this process.

2 Site Plan Approval Submission Requirements

The applicant is required to meet all the submission requirements. The applicant should expect that the Planning Board will delay the process of approval if an application is incomplete when it is received by the Planning Board. If the applicant believes that there is a legitimate reason that they should be exempt from any of the application requirements, the applicant should secure permission from the board to waive a requirement before submitting the application.

The applicant is required to provide one original and 13 copies of all plans, narrative and application. A complete application includes the following:

- A. Completed Site Plan Application
- B. Plan(s) at scale 1" = 20" on 24" by 36" sheets. Plans shall be drawn by registered land surveyor, professional engineer, architect or landscape architect, as appropriate. The site plan shall include the following information, each of which shall be submitted on the following separate sheets:
 - 1. Existing Conditions
 - a. Location of all existing natural features, including ponds, brooks, streams, wetlands, elevations and topography, proposed and existing contours.
 - 2. Site Layout
 - a. Location and dimensions of all buildings and other construction;
 - b. Internal roadways and accessways to adjacent public roadways, and a profile of same if determined to be necessary by the Planning Board.
 - c. Location of snow storage areas and trash dumpsters.
 - 3. Parking
 - a. Location and dimensions of all parking areas, loading areas, walkways and driveways.
 - 4. Landscaping and lighting
 - a. Location and type of external lighting
 - b. Location, type, dimensions and quantities of landscaping and screening
 - 5. Utilities
 - a. Location and dimensions of utilities, including water, surface drainage, sewer, fire hydrants and other waste disposal, and a profile of same if determined to be necessary by the Planning Board
- C. Also required:
 - 1. A zoning evaluation table to show how the development meets or fails to meet the requirements of the City of Lowell Zoning Ordinance
 - 2. A brief narrative addressing the site plan requirements and appropriate concerns in the following categories:
 - a. Buildings
 - b. Parking and loading
 - c. Traffic flow and circulation
 - d. External lighting
 - e. Landscaping and screening
 - f. Utilities
 - g. Snow removal

- h. Environmental impact statement (if required by the Planning Board), otherwise a description of natural area protection and enhancement.
 - i. Signature block showing approved by Lowell Planning Board, date and line at least 3.5 inches. After signature by board representative three (3) copies of the signed plan will be provided to the Board.
- 3. Renderings or architectural drawings (strongly encouraged, and may be required by the Planning Board under the criteria of section 11.4 of the Lowell Zoning Ordinance)
- 4. Impact study(ies) or other documentation as requested by the Planning Board, addressing these site plan requirements or other appropriate concerns enabling the Board members to evaluate the proposal using the criteria established in section 11.4.10 of the Lowell Zoning Ordinance.
- D. A certified list of abutters within a 300-foot radius of the site must accompany all site plan applications.
- E. Filing fees as established by the Lowell Planning Board.

Filing Fees are as follows:

\$500.00 for a new site plan application

\$250.00 for a site plan revision application

3 The Public Hearing Process

The process chart in Appendix A outlines the steps that an applicant must follow to complete the public hearing process for a site plan approval. The applicant is highly recommended to establish a pre-hearing conference with the staff at the Division of Planning and Development before completing significant site design work. Furthermore, the Planning Board invites and encourages applicants to participate in a pre-application scooping session

Please note that applications for a site plan review must be submitted 31 days prior to their scheduled public hearing. This time frame is necessary to ensure that all the steps in the process are completed before the public hearing is held.

After submitting the application and fees, as outlined above in Section 2, the DPD staff will prepare a legal notice. The staff will instruct the Lowell Sun to publish that notice on two specific dates leading up to the Public Hearing. The Lowell Sun will directly bill the applicant for the cost of these advertisements. Furthermore, the applicant will be required to prepare certified letters for all abutters. These letters must be prepared, complete with stamps, and provided back to the DPD staff to be mailed. Letters must also be sent to the planning boards of abutting towns and to the regional planning organization (Northern Middlesex Council Of Governments) and the State's Department of Housing and Community Development. Legal requirements insist that we

Please consult Section 11.4 of the Lowell Zoning Ordinance for a complete understanding of the regulatory structure that governs the site plan review process.

4 Criteria for decision

Site plan approval may be granted upon determination by the planning board that the plan meets its objectives. The Board may impose reasonable conditions at the expense of the applicant including performance guarantees, to promote these goals.

6.1 *Site Plan Approval Criteria*

New building construction or other site alteration shall be designed after considering the qualities of the specific location, the proposed land use, the design of building form, grading, egress points, and other aspects of the development so as to:

1. Minimize the volume of cut and fill, the number of removed trees 6" caliper or larger, the length of removed stone walls, the area of wetland vegetation displaced, the extent of stormwater flow increase from the site, soil erosion, and threat of air and water pollution
2. Maximize pedestrian and vehicular safety both on the site and egressing from it
3. Minimize obstruction of scenic views from publicly accessible locations
4. Minimize visual intrusion by controlling the visibility of parking, storage, or other outdoor service areas viewed from public ways or premises residentially used or zoned
5. Minimize glare from headlights and lighting intrusion
6. Minimize unreasonable departure from the character, materials, and scale of buildings in the vicinity, as viewed from public ways and places
7. Minimize contamination of groundwater from on-site waste-water disposal systems or operations on the premises involving the use, storage, handling or containment of hazardous substances
8. Provide adequate access to each structure for fire and service equipment and adequate utilities
9. Provide stormwater drainage consistent with the functional requirements of the Planning Board's Subdivision Rules and Regulations
10. Ensure compliance with the provisions of this zoning ordinance, including the parking, signage, landscaping and environmental performance standards

6.2 *Special Permit Approval Criteria*

If the applicant is requesting a special permit, additional criteria apply:

General criteria for granting special permits include consideration of the following:

1. Social, economic or community needs which are served by the proposal
2. Traffic flow and safety, including parking and loading
3. Adequacy of utilities and other public services
4. Neighborhood character and social structures
5. Impacts on the natural environment; and

6. Potential fiscal impact, including impact on city services, tax base, and employment.

Additional specific criteria include:

- For Section 5.3.3 (reduced open space): As stated in the section the Board must determine “that adequate recreational opportunities exist in the neighborhood”. The burden is on the applicant to prove that such opportunities exist and that the users of the project will have easy and adequate access to such opportunities.
- For Section 6.6 (refuse containers): The applicant must still comply with section 10-74 of the Code of Ordinances.
- For Section 6.7.3 (driveway grade): The Planning Board may grant a special permit only “after a determination that said driveway will provide safe and reasonable access for fire, police and emergency vehicles.” The burden is on the applicant to provide proof that the fire, police and emergency services responders in the City of Lowell will have safe and reasonable access.

5 Additional Items of Note

- 1 As a general rule, site plans should reflect the best solution to addressing the issues that will be the basis of the Planning Board's decision. The designer of a site plan has a variety of options available to create an effective site design. The designer should walk the site and also look at what is and is not successful at similar and neighboring properties.
- 2 Neighbors will be the primary participants in the public hearing. The Division of Planning and Development encourages applicants to meet first with interested neighbors to understand their concerns and address issues that can be solved before reaching the hearing. The Planning Board listens carefully to neighborhood concerns. Developers can also meet with representatives of local neighborhood groups, that often also participate in the Planning Board's hearing process.
- 3 The Division of Planning and Development has staff that works with the neighbors to generate plans and measure neighborhood interest in different types of projects. Staff at the DPD can also assist in the development of a site plan, by addressing the problems and concerns within Lowell and its neighborhoods.
- 4 There are some important items in the site plan approval process that are often overlooked by applicants. Applicants must familiarize themselves with the requirements of the zoning ordinance. In particular, they should pay close attention to the following:
 - **Useable open space:** As identified in section 2.0 and described in section 5.3, projects require both useable open space and landscaped open space. This requirement may be reduced in certain districts by special permit from the Planning Board.
 - **Landscaped open space in parking areas:** As identified in section 6.1.9, parking areas with more than ten off-street spaces must be landscaped
 - **Refuse containers:** Under section 6.6, there are specific requirements for screening dumpsters. They also require approval from the Board of Health under section 10-74 of the Code of Ordinances. This requirement may be reduced in certain districts by special permit from the Planning Board.
 - **Maximum curb cuts:** Section 6.1.10 outlines maximum curb cut and drive lane widths.